

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELATE DISTRICT**

**January 9, 2003**

DIVISION ONE

B160942      Nutrition Now, Inc. et al.                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Cappseals, Inc. et al., r.p.i.)

The petition is granted, and a peremptory writ shall issue directing the trial court (1) to vacate its order denying Nutrition Now's motion to determine the good faith of its settlement and (2) to hear and determine the merits of the motion. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
                 Mallano, J.

B160889      People    (Not for Publication)  
                 v.  
                 Remigio

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
                 Mallano, J.

DIVISION TWO

B155378      Rollins      (Not for Publication)

v.  
RRF Domiciles, Inc., et al.  
Home Depot

The judgment and orders of the trial court are affirmed. Respondents are entitled to their costs on appeal.

Ashmann-Gerst, J.

We concur:    Nott, Acting P.J.  
Doi Todd, J.

B152853      Stephens      (Not for Publication)

v.  
Litvak, et al.

The judgment of the trial court is affirmed. Respondents are entitled to their costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
Doi Todd, J.

B157976      People      (Not for Publication)

v.  
Roosevelt H.

We reverse the metal knuckles count, and dismiss it. We remand the matter for recalculation of theoretical maximum term of confinement time. In all other respects, the order under review is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
Nott, J.

January 9, 2003 (Continued)

DIVISION TWO (Continued)

B153333      People      (Not for Publication)

v.  
Thomas

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                     Nott, J.

B156968      People      (Not for Publication)

v.  
Ruiz

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                     Nott, J.

DIVISION THREE

B160917      Los Angeles County, D.C.S.      (Not for Publication)

v.  
Martin R.

The appeal is dismissed.

Croskey, J.

We concur:    Klein, P.J.  
                     Kitching, J.

B156903      People      (Not for Publication)

v.  
McFee

The judgment is affirmed.

Croskey, J.

We concur:    Klein, P.J.  
                     Kitching, J.

### DIVISION THREE (Continued)

B156290 People (Not for Publication)  
v.  
Martinez

The judgment is modified by awarding appellant an additional 11 days custody credit pursuant to Penal Code section 2900.5, and an additional one day of conduct credit pursuant to Penal Code section 4019, for a total precommitment credit award of 887 days and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Kitching, J.

We concur: Klein, P.J.  
Kitching, J.

B159046 People (Not for Publication)  
v.  
Garcia

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B158227 People (Not for Publication)  
v.  
Anderson

The judgment (order granting probation) is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

January 9, 2003 (Continued)

### DIVISION THREE (Continued)

B153911 People (Not for Publication)  
v.  
Schivers

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B158626 People (Not for Publication)  
v.  
Molina

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B153691      Ramirez, etc.  
v.  
Long Beach Unified School District

Filed order certifying opinion for publication.

## DIVISION FOUR

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

January 9, 2003 (Continued)

## DIVISION FOUR (Continued)

B153912 People (Not for Publication)  
v.  
De Ark

For the foregoing reasons, the finding that appellant's prior conviction is a strike within the meaning of the Three Strikes law is reversed, and the matter is remanded for the limited purpose retrial of that issue and for resentencing thereafter if necessary. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

## DIVISION FIVE

B145673      Stephen Bowyer      (Not for Publication)  
v.  
Philip Morris, Inc. et al

The judgment is reversed as to the first through fifth and eighth and ninth causes of action. The judgment is affirmed in all other respects. Plaintiff, Stephen Bowyer, is to recover his costs on appeal only from defendant, Philip Morris Incorporated. No costs are to be recovered by plaintiff from the remaining defendants. The remaining defendants are to bear their own costs on appeal.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

January 9, 2003 (Continued)

DIVISION FIVE (Continued)

B154201      Farhood Shamloo                      (Not for Publication)  
                 v.  
                 Rick Ladd

The judgment is reversed insofar as it awards \$27,344.96 to defendant, Farhad Shamloo, as a capital contribution and in denying defendant, Rick Ladd, interest on the loan to Ginnytex in the amount of \$15,926.35. In all other respects, the judgment is affirmed. Each side to bear their own costs on appeal.

Turner, P.J.

We concur:    Grignon, J.  
                         Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B157181      Dept. of Social Services v. Robert G.

Argument waived, cause submitted.

B158707      Marian v. Ventura Co.

Argument continued to February, 2003.

B156409      Marriage  
                 of  
                 Mangan

Merits:  
Argued by Craig S. Ainsworth for appellant and by Gregory D. Abel for respondent. Cause submitted.

DIVISION SIX (Continued)

B159341     Dolan  
              v.  
              Dept. of Motor Vehicles

Merits:  
Argued by Dana T. Cartozian, Deputy Attorney General, for appellant and  
by Ronald A. Jackson for respondent. Cause submitted.

B158535     Gray  
              v.  
              First American Title Ins. Co.

Merits:  
Argued by Victor G. Zilinskas for appellants and by Marcus S. Bird for  
respondent. Cause submitted.

Court recessed at 10:30 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B154119 People v. Gillem  
B154751 People v. Barron  
B154776 People v. Marshall  
B154802 People v. Jackson  
B155102 People v. Mariano  
B156747 People v. Joseph M.  
B156884 People v. Anderson  
B156975 People v. Rodriguez  
B157233 People v. Moreno  
B157378 People v. Brandon A.  
B157675 People v. Jonathan C.  
B159172 People v. Perez  
B159431 People v. Loughman  
B160027 People v. Jose R.  
B160219 People v. Sanchez

Argument waived, cause submitted.

January 9, 2003 (Continued)

DIVISION SIX (Continued)

Each of the following:

B152130 People v. Reyes  
B158519 People v. Shaw  
B158771 People v. Ramirez

Argument continued to February, 2003.

B156745     People  
                  v.  
                  Haverlah

Merits:

Argued by Barbara O'Neill Ferris for appellant and by Elaine F. Tumonis, Deputy Attorney General, for respondent via video conference. Cause submitted.

Perren, J. left the bench.

B157742     People  
                  v.  
                  Shannon

Merits:

Argued by Carol S. Boyk for appellant and by Michelle J. Pirozzi, Deputy Attorney General, for respondent via video conference. Cause submitted.

B153549     People  
                  v.  
                  Cabrera

Merits:

Argued by Bradford E. Henschel for appellant via video conference and by Myung J. Park, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 2:30 P.M.

January 9, 2003 (Continued)

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

Each of the following:

B148369 People v. Cruz  
B152483 People v. Fleeman  
B153420 People v. Reales  
B153600 People v. Brown  
B153902 People v. Andrade  
B154341 People v. Lindsey  
B154714 People v. Shaffer  
B155122 People v. White  
B156268 People v. Broughton  
B156616 People v. Hernandez, et al.  
B156843 People v. Joseph G.  
B157235 People v. Hennagir  
B157261 People v. Gonzalez  
B157349 People v. Ramirez  
B158593 People v. Gallegos  
B158823 People v. Ward  
B159683 People v. Marshall  
B157938 DCFS v. Peggy D.  
B159203 DCFS v. LaTonya B.  
B162100 Jedon B., v. LASC

Argument waived, cause submitted.

B157459     People  
              v.  
              Lavergne

Merits:

Argued by Carol Boyk for appellant and no appearance for respondent.  
Cause submitted.

DIVISION SEVEN (Continued)

B152876     People  
              v.  
              Perez

Merits:  
Argued by Jennifer King for appellant and by Marc Turchin, Deputy  
Attorney General for respondent. Cause submitted.

B153751     People  
              v.  
              Karapetyan

Merits:  
Argued by Mark Geragos for appellant and by Zee Rodriguez, Deputy  
Attorney General for respondent. Cause submitted.

B155104     People  
              v.  
              Bryant

Merits:  
Argued by William Flenniken for appellant and by Laura Hartquist, Deputy  
Attorney General for respondent. Cause submitted.

B156595     People  
              v.  
              Ranger Insurance, et al.

Merits:  
Argued by Ben Wasserman for appellants and by William Woods, Deputy  
Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B148711     People  
              v.  
              Navarro

Merits:

Argued by David Carico for appellant and by Lawrence Daniels, Deputy Attorney General for respondent. The Court will be sending out a letter requesting additional briefing addressing specific issues. Submission is deferred pending filing of appellant's and respondent's briefs.

B156057     People  
              v.  
              Marquez

Merits:

Argued by Robert Cooper for appellant and by Jennifer Jadovitz, Deputy Attorney General for respondent. Cause submitted.

B153197     Madhani  
              v.  
              Cooper, et al.

Merits:

Argued by Charles Agege for appellant and by Michael Kennick for respondents. Cause submitted.

B150039     Roberts  
              v.  
              LA County Bar Assoc.

Merits:

Argued by Gary Kessler for appellant and by Vicki Roberts for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B156918      Royal Canadian Mutual  
                 v.  
                 Home Depot U.S.A.

Merits:  
Argued by Laine Wagensellen for appellant and by Fred Fenster for  
respondent. Cause submitted.

Court recessed at 11:35 A.M.

Court reconvened at 2:00 P.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Munoz, J. (Assigned) and Eva  
McClintock, Deputy Clerk.

B154625      Selig  
                 v.  
                 City of Hawthorne

Merits:  
Argued by David Tardiff for appellant and by Mark Rutter for respondent.  
Cause submitted.

B154289      Begl Construction  
                 v.  
                 Bd of Recreation  
                 H.A. Lewis

Merits:  
Argued by Bruce Rudman for appellant and by Bettina Schendel and Mark  
Feldman for respondents and by Jennifer Friend as Amicus Curiae for  
Appellant. Cause submitted.

## DIVISION SEVEN (Continued)

B156195 Plotkin, et al.  
v.  
Sajahtera, Inc., et al.

Merits:  
Argued by Eric Schreiber for appellants and by Jeffrey Gordon for respondents. Cause submitted.

B145834 Mobil Oil Corp.  
v.  
So. California Edison

Merits:  
Argued by Julie Woods for appellant and by Roy Weatherup for respondent. Cause submitted.

B148854 County Employees  
v.  
Board of Retirement  
County of Los Angeles

Merits:  
Argued by James Christiansen for appellant and by Margaret Oldendorf and  
Nowland Hong for respondents. Cause submitted.

Court adjourned at 4:42 P.M.

B152290 People (Not for Publication)  
v.  
Wauqua

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Perluss, J.

January 9, 2003 (Continued)

## DIVISION SEVEN (Continued)

B154470      People      (Not for Publication)  
v.  
Argumaniz

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Perluss, J.

B151655      Hathaway  
v.  
Hathaway  
In re Hathaway

Filed order denying petition for rehearing.

## DIVISION EIGHT

B156790 People v. Hilger (Certified for Publication)

The judgment is reversed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B149727 National American Insurance Company (Not for Publication)  
v.  
G & G Fire Sprinklers, Inc. et al

The judgment is affirmed. Respondent(s) to recover costs.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

## DIVISION EIGHT (Continued)

B156429 People (Certified for Partial Publication)  
v.  
Acevedo

For the reasons set forth above, the judgment is reversed as to only the conviction under Vehicle Code section 2800.2 and the matter is remanded for resentencing under Vehicle Code section 10851, subdivision (a). In all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B157878 People (Not for Publication)  
v.  
Slaughter

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.